

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ALESA PACK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:14-cv-1207
	)	
NORFOLK SOUTHERN CORP.,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant Norfolk Southern Corporation hereby gives notice to the United States District Court for the Southern District of Indiana, Indianapolis Division, of the removal of this action from the Wayne Circuit Court, Richmond, Indiana, and respectfully shows the Court that:

1. On July 3, 2014, a civil action was commenced and is now pending in the Circuit Court of Wayne County, in Richmond, Indiana, a State Court, in which Alesa Pack is the Plaintiff and Norfolk Southern Corporation is the Defendant. This action is designated as Cause No. 89C01-1407-CT-000034 in the Wayne Circuit Court.

2. Plaintiff's action was commenced by the filing of a Complaint and issuance of a Summons to Defendant Norfolk Southern Corporation on July 3, 2014. Not more than thirty (30) days have elapsed since Norfolk Southern Corporation received the Summons and Complaint.

3. In compliance with the provisions of 28 U.S.C. § 1446(a), copies of all process and pleadings received in this action by the Defendant are attached as **Exhibit A**.

4. Plaintiff's action seeks damages in connection with an accident at a railroad grade crossing in Richmond, Indiana, on July 6, 2012, in which the Plaintiff alleges that she sustained severe injuries and, as a result, experienced significant pain and physical and emotional suffering; incurred medical expenses; will likely experience future pain, suffering, and impairment; and may likely incur future medical expenses. Plaintiff also alleges that she sustained certain property damage.

5. Upon information and belief, the matter in controversy, at the time of commencement of this action and at the present, exceeds the sum or value of \$75,000, exclusive of interest and costs.

6. Upon information and belief, at the time this action was commenced Plaintiff was and still is a resident of Wayne County, Indiana.

7. Defendant Norfolk Southern Corporation is a corporation organized and existing under the laws of the Commonwealth of Virginia, having its principal place of business in Norfolk, Virginia.

8. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and which may be removed to this Court by Defendant Norfolk Southern Corporation pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(a) and 94(b)(1), as a substantial part of the events giving rise to the Plaintiff's claims against Norfolk Southern Corporation occurred in Wayne County, Indiana.

10. A civil cover sheet (JS 44) is attached as **Exhibit B** hereto, and the filing fee is electronically submitted herewith.

WHEREFORE, the Defendant, Norfolk Southern Corporation, respectfully requests that the United States District Court for the Southern District of Indiana, Indianapolis Division, assume jurisdiction of this matter as an action properly removed thereto.

Respectfully submitted,

/s David A. Locke  
David A. Locke (Indiana attorney #18759-53)  
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***Attorneys for Defendant Norfolk Southern Corp.***

**CERTIFICATE OF SERVICE**

I certify that on the 21<sup>st</sup> day of July 2014, service of a true and complete copy of the above and foregoing pleading or paper was made upon:

Jon A. Keyes  
Allen Wellman McNew Harvey, LLP  
Five Courthouse Plaza  
P.O. Box 455  
Greenfield, IN 46140

by depositing the same in the United States mail in an envelope properly addressed and with sufficient first-class postage affixed.

/s David A. Locke  
David A. Locke

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